

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR09-377 JLR
)	
v.)	PROPOSED FINDINGS OF FACT
)	AND DETERMINATION AS TO
LYLA KAYE CORNISH,)	ALLEGED VIOLATIONS OF
)	SUPERVISED RELEASE
Defendant.)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on July 2, 2010. The defendant appeared pursuant to a summons issued in this case. The United States was represented by Steven Masada, and defendant was represented by Paula Deutch and Jenna Crouch, a rule 2 extern. Also present was Senior U.S. Probation Officer Steven R. Gregoryk. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on March 18, 2008 by the Honorable Ann Aiken, United States District Judge for the District of Oregon, for Making Counterfeit United States Currency. She received credit for time served and 3 years of supervised release

On August 12, 2009, Judge Aiken revoked Ms. Cornish's term of supervised release as a

1 result of her failure to participate in an inpatient drug treatment program. The Court sentenced
2 her to a term of time served (30 days) and reimposed 24 months of supervised release. Ms.
3 Cornish began her new term of supervision on August 12, 2009.

4 On October 28, 2009, jurisdiction of this case was transferred from the District of Oregon to
5 the Western District of Washington.

6 On December 8, 2009, the Court approved a modification of supervised release to include
7 the added conditions that Ms. Cornish participate in the electronic monitoring program for a
8 period of 120 days, and that she advise her physician of her substance abuse history, and provide
9 the probation officer with written verification of the physician's knowledge. These
10 modifications were made as a result of her admitted use of morphine on October 6, 2009,
11 October 16, 2009, October 23, 2009, October 27, 2009, and November 10, 2009. Ms. Cornish
12 began her term of electronic monitoring on December 15, 2009.

13 On March 17, 2010, a request for termination of participation in the home confinement
14 program was submitted and approved by the Court. This request was made as a result of Ms.
15 Cornish giving birth to twin children on March 5, 2010.

16 PRESENTLY ALLEGED VIOLATIONS

17 In a petition dated March 25, 2010, Senior U.S. Probation Officer Steven Gregoryk alleged
18 that defendant violated the following conditions of supervised release:

19 1. Committing the crime of theft, on or about March 20, 2010, in violation of the
20 general condition of supervision that the defendant shall not commit another federal, state, or
21 local crime.

22 2. Associating with a known felon, Michael Kamb, on March 21, 2010, in violation of
23 standard condition No. 14.

FINDINGS FOLLOWING EVIDENTIARY HEARING

Defendant admitted to violation 2, waived any hearing as to whether it occurred, and was informed the matter would be set for a disposition hearing on July 22, 2010 at 10:00 a.m. before District Judge James L. Robart. Upon defendant's admission to violation 2, the government withdrew violation 1.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

DATED this 2nd day of July, 2010.



BRIAN A. TSUCHIDA
United States Magistrate Judge